

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT  
TILLAMOOK RESOURCE AREA  
Tillamook County, Oregon  
Categorical Exclusion Review**

**A. Background**

**BLM Office:** Tillamook Resource Area      **Lease/Serial/Case File No:** N/A

**Categorical Exclusion Number:** DOI-BLM-ORWA-S060-2016-0001-CX

**Date:** October 07, 2015

**Proposed Action Title/Type:** Nestucca Access Road Subsurface Exploration

**Location of Proposed Action:** T.3S., R.7W., Sec. 23, 24, 27 & 28 Willamette Meridian,  
Tillamook County, Oregon

**Land Use Allocation(s):** LSR, RR

**Description of Proposed Action:** The Tillamook Resource Area of the Bureau of Land Management (BLM) is proposing to perform subsurface exploration along the Nestucca Access Road #3-6-13. Subsurface exploration would occur along the gravel section of the Nestucca Access Road, milepost 12.76 to 15.44 and at an old asphalt waste site located adjacent to the Nestucca Access Road, just east of the gravel section, at milepost 12.60. Subsurface exploration activities are expected to take about 2 weeks and are anticipated to occur between October 1 and November 20, 2015.

The subsurface conditions along the gravel section of the Nestucca Access Road would be explored by test pit excavations and drilling. The purpose of these explorations is to characterize subsurface conditions. Subsurface condition information would be used for road designs associated with the proposed road improvements under the Nestucca Back Country Byway Project (DOI-BLM-OR-S060-2014-0001-EA), which is in the process of being completed. These explorations would be within the proposed roadway template either above the existing road (test pits), just below the road on the slope (wall borings) on the order of 10 feet off the edge of the existing roadway, or on the existing road (subgrade and bridge borings). No access roads or pioneer roads are proposed to be constructed at this time. However, drilling pad preparation for portable drills would require excavation to construct a drill platform on the steep slopes below the road. The geotechnical investigations would consist of approximately eighteen wall and bridge borings, six subgrade borings and eleven test pits.

The subsurface conditions at the asphalt waste site would be explored by drilling. Exploration work would include up to four small diameter borings around the perimeter of the site to a depth of approximately 10 feet. To complete the borings, minor grading and removal of some small diameter trees for access would be required.

Test pit excavation would be accomplished with a medium size tracked hydraulic excavator. The test pits would be approximately 3 feet wide by 4 feet in depth back into the slope and could extend up the cut bank up to 25 feet in height. It is estimated that the test pits on average will generate 4 cubic yards of excavated material. Test pit excavations on the slopes above the existing road would leave scarring from the excavations, which cannot be backfilled due to being on the steep slope. Any waste material resulting from test pit excavation would be hauled to a suitable permanent waste site.

Drill holes would be advanced using 8-inch diameter hollow-stem auger and coring with HQ-size casing (4 inch O.D.) and wire-line core drilling equipment with water as the circulating medium. All borings would be backfilled with bentonite chips or grout per State regulations. Subgrade borings within the roadway would be covered with approximately 8 inches of crushed rock at the surface. Since the benches for the drill platforms are typically small and hand dug, no restoration is planned. Some settlement may occur at the exploration locations.

While drilling using mud rotary or rock coring techniques, a mud tank is placed over the hole and sealed at the ground surface, as shown in the photo below. This contains the mud, allows solids to settle, and the fluid is recirculated into the hole. After drilling they typically use hoses to pump the mud out far away from the river into brush where the mud can be naturally filtered out by the vegetation. The mud mix consists of powdered bentonite clay, which is a natural product. Approximately 1000 gallons per day of water will be needed while core drilling in rock. Locations for drafting water have not been identified. If water sources near the project location are used, the BLM will insure that the proper permits are in place.



We received a memorandum from Federal Highways dated August 19, 2015 which describes their plans for subsurface exploration on the Nestucca Access Road gravel section. The memorandum includes plans with locations of the subsurface exploration sites and a spreadsheet that describes the details of each site. A copy of the memorandum is available at the Tillamook Field Office.

### **Traffic Control and Road Closure**

Traffic control consisting of two flaggers would be required while excavating in the existing roadway and during moving of the drill rig from hole to hole along the slope areas. Temporary road closures would be expected to be a half hour or less during these times.

For the bridge borings, up to 3 days of full closure at the Elk Creek Bridge site may be necessary. During road closures detour routes would be made available and a press release would be sent out that would notify the public prior to any road closures.

The subgrade borings would take up only one lane and will leave the road open. All appropriate signage per the Manual on Uniform Traffic Control Devices (MUTCD) will be provided.

The borings at the asphalt waste area would not require any traffic control or road closures.

### **Project Design Features**

- The proposed action would be implemented consistent with all applicable Salem District ROD/RMP Best Management Practices (BMPs).
- All construction equipment used would be cleaned of dirt, grease, vegetation or any other material and have leaks repaired prior to entering the proposed project area. Cleaning would be done with a high pressure hose and would be inspected at an agreed upon location prior to entering the project area. (BMP SP 1)
- A Spill Prevention, Control and Countermeasure Plan (SPCC) will be in place before performing any operation, provided by the contractor and approved by BLM staff prior to project implementation. The contractor will have a Spill Containment Kit on-site during operations and, in the event of a spill, will be responsible for the clean-up, removal, and proper disposal of contaminated materials from the site (BMPs SP2, 3, 4, 5).
- Stream sedimentation will be mitigated through an Erosion Control Plan, which will be provided by the contractor and approved by BLM staff prior to project implementation. The Erosion Control Plan will use temporary sediment control measures to slow runoff and contain sediment from areas of ground disturbance (BMP R 045).
- All disturbed areas will be applied with native seed and mulch following ground disturbing activities. (BMP R 062).
- Power equipment will be staged and refueled outside the riparian zone (a minimum of 150 feet from water bodies), with the exception of the bridge boring locations which involves use of immobile power equipment. The contractor shall provide additional details for refueling at the bridge boring locations in the SPCC, which shall include spill prevention measures in place in advance of refueling (for example, using spill containment trays lined with absorbent pads). (BMP SP 1).
- Water withdrawal would only occur from streams that have continuous surface flow where the pumping would not adversely affect water quantity or quality in stream reaches inhabited by ESA-listed species. When placing pump intakes in stream, they will be placed on hard surfaces to minimize turbidity (BMP R 058).
- BLM would ensure that any water withdrawal would not reduce flow at the time of withdrawal by more than 10% in stream reaches inhabited by ESA-listed species, or by more than 50% in other streams.

- On fish bearing streams, water withdrawal sites would be isolated with nets and/ or sandbags and fish would be removed from site.
- Pumps and fuel cans used for water withdrawal would be placed in spill containment trays with absorbent material or in a depression in the ground lined with plastic and absorbent pads.
- If any Special Status or Special Attention Species (vegetation, terrestrial or aquatic) are found in the project area, appropriate mitigation measures, as described in the Salem District RMP, will be implemented.
- Ground disturbing work would be suspended if cultural material is discovered during project work until an archaeologist can assess the significance of the discovery. The District Archaeologist may subsequently redesign the project or develop mitigation procedures to protect the cultural resource values present.
- Ground disturbing work would be suspended if forecasted rain will saturate soils to the extent that there is potential for movement of sediment from the road to wetlands, floodplains, and waters of the state (BMP R 065).
- Waste material excavated from test pits or drill platform construction will be end hauled to a suitable, stable waste site identified by the BLM. The waste site will be located outside of wetlands, riparian management areas, floodplains, and unstable areas (BMPs R 008, R 041).
- The existing CoastCom underground fiber-optic cable located under existing ditches for the full length of the Nestucca Access Road would be protected through coordination with CoastCom.

#### **B. Land Use Plan Conformance:**

The proposed action is in conformance with the *Salem District Record of Decision and Resource Management Plan*, May 1995, even though it is not specifically provided for, because it is clearly consistent with the following objectives:

- “Develop and maintain a transportation system that serves the needs of the users in an environmentally sound manner.” (1995 RMP p. 62)

#### **C. Compliance with NEPA:**

The Proposed Action is excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the following categories:

- *Department of Interior Categorical Exclusion 43 CFR 46.210 (f)*, which allows for “Routine and continuing government business, including such things as supervision, operations, maintenance, renovation, and replacement activities having limited context and intensity (e.g. limited size and magnitude or short term effects).”
- *Bureau of Land Management Categorical Exclusion 516 DM 11.9 F. (9)*, which allows for “Digging of exploratory trenches for mineral materials, except in riparian areas”.
- *Bureau of Land Management Categorical Exclusion 516 DM 11.9 G. (3)*, which allows for “Temporary closure of roads and trails”.

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
<p><b>(a) Have significant impacts on public health or safety?</b></p> <p><i>Rationale:</i> Implementing subsurface exploration along the Nestucca Access Road will have no impacts on public health or safety therefore would have no significant impacts on public health or safety.</p>		No
<p><b>(b) Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?</b></p> <p><i>Rationale:</i> The project would occur on or adjacent to an actively used road that is adjacent to, but outside of, floodplains and wetlands associated with the Nestucca River. With the implementation of the proposed Best Management Practices, no impacts to wetlands or floodplains would be expected. The Nestucca River is suitable for inclusion in the Wild and Scenic River program as a “Recreation River” and is also an Area of Critical Environmental Concern. The proposed project is of an exploratory nature and would result in only minor disturbance to small widely scattered areas. These effects would not affect the relevant and important features of the Nestucca River wild and scenic river or the ACEC. There are no other natural resources or unique geographic characteristics present that could be affected by this project.</p>		No
<p><b>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</b></p> <p><i>Rationale:</i> Preliminary condition assessments prior to road renovation are routine engineering actions, which have not resulted in highly controversial effects. Because the effects would be minor and temporary and would not alter the use of available resources, there are no unresolved conflicts.</p>		No
<p><b>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b></p> <p><i>Rationale:</i> Implementing subsurface exploration along the Nestucca Access Road involves digging of small trenches and drilling boreholes in several locations. The effects of these actions are easily understood and are similar in nature to many other actions that the BLM routinely conducts therefore there is not expected to be any unique or unknown environmental risks.</p>		No
<p><b>(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</b></p> <p><i>Rationale:</i> The Nestucca Access Road Subsurface Exploration project would be implemented in direct support of the Nestucca Back Country Byway Project (DOI-BLM-OR-S060-2014-0001-EA) as a data-gathering step. In no way does the gathering of data establish a precedent or represent a decision in principle about the Nestucca Back Country Byway Project. The Nestucca Byway Project is still undergoing environmental analysis, which would acknowledge this project and use the data from this project to apply detail to its Proposed Action. The Nestucca Byway Project would still undergo public review and a separate decision would be rendered.</p>		No
<p><b>(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</b></p> <p><i>Rationale:</i> The Nestucca Access Road Subsurface Exploration project would result in very small temporary effects to some surface vegetation and possibly result in minor inconvenience to the recreating public. These effects would be short lived and are not associated with effects from other projects in the area. Although related to the Nestucca Back Country Byway Project, this projects impacts would not be cumulative to any effects occurring from the Byway Project, and the effects of this project would not</p>		No

<b>Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)</b>		
<b>Will the Proposed Action documented in this Categorical Exclusion</b>	<b>Yes</b>	<b>No</b>
cause any effects to occur in association with the Byway Project.		
<b>(g) Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office?</b>  <i>Rationale:</i> Project review has been accomplished for N.H.P.A, Section 106. No listed or eligible properties are known to exist within the project area.		No
<b>(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</b>  <i>Rationale:</i> The project area is within designated Critical Habitat for the northern spotted owl and marbled murrelet it would not however impact any Primary Constituent Elements of Critical Habitat for these species; no impacts to spotted owl or marbled murrelet Critical Habitat are anticipated. Due to the nature of the project no impact to spotted owl and marbled murrelet suitable habitat would be expected. The project would not occur during the breeding season for these wildlife species therefore the potential for disturbance impact is considered to be negligible.  The project area is adjacent to designated Critical Habitat for Oregon Coast Coho and rearing juvenile Coho in the Nestucca River. With the use of BMP's, Erosion Control Plan and a Spill Prevention, Control and Countermeasure Plan (SPCC) anticipated effects to Coho or their Designated Critical Habitat are discountable. Endangered Species Act consultation was completed using a pre-notification to National Marine Fisheries Service on August 25 <sup>th</sup> 2015 using the Western Oregon Programmatic Biological Opinion*.  *USDOC - National Marine Fisheries Service (NMFS). 2011. Endangered Species Act Section 7 Biological Opinion for Programmatic Activities of USDA Forest Service, USDI Bureau of Land Management, and Coquille Indian Tribe in Western Oregon. (NMFS No. 2010/02700). Northwest Region. Seattle WA.		No
<b>(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</b>  <i>Rationale:</i> Implementing subsurface exploration along the Nestucca Access Road would follow all Federal, State, local or Tribal laws or requirements imposed for the protection of the environment.		No
<b>(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</b>  <i>Rationale:</i> The proposed action would not occur in areas disproportionately composed of low income or minority populations, and would not result in adverse environmental effects that would affect low income or minority populations.		No
<b>(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?</b>  <i>Rationale:</i> The proposed action may result in a temporary (approximately 3 day) closure of a section of the Nestucca Access Road as well as short delays along other parts of the road. These delays and temporary road closure should not otherwise inhibit Indian access to sacred sites if any exist in the area where the project would occur. Because the project would only affect areas that have been previously impacted by road construction and maintenance, we would not expect that the proposed project would affect any Indian sacred sites.		No
<b>(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the</b>		No

Table 1: Categorical Exclusions: Extraordinary Circumstances Review (43 CFR 46.215)		
Will the Proposed Action documented in this Categorical Exclusion	Yes	No
<p><b>introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?</b></p> <p><i><b>Rationale:</b></i> The road where the proposed action would occur currently exists, is in use, and is being maintained and therefore has a history of continual habitat disturbance. Design features, such as cleaning equipment and seeding all disturbance areas with native seed would reduce the risk of introduction and limit the potential increase or spread of invasive/non- native plant species.</p>		

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the 12 extraordinary circumstances described in 43 CFR Part 46, Section 46.215 apply (see Table 1, above).

#### D. Signature:

Specialist Review and Concurrence: ☐ None required or

Resource	Name	Initial
Aquatic/Fisheries	Matt Walker	MJW
Botany	Kurt Heckerroth	KWH
Cultural Resources	Heather Ulrich	HAU
Soils	Chris Sween	CRS
Hydrology	Chris Robinson	CR
Wildlife	Steve Bahe	SAB
Recreation	Debra Drake	DLD
Visual Resource Management	David Moore	DM
Engineering/Roads	Vanessa Stone	VS
NEPA Compliance	Andy Pampush	ATP

Authorized Official: \_\_\_\_\_

Karen Schank  
Field Manager  
Tillamook Resource Area

Date: 10/7/15

**Contact Person:** For additional information concerning this CX review; contact Joel Churchill, Tillamook Field Office Bureau of Land Management, 4610 Third Street, Tillamook, Oregon at (503) 815-1465.

**U.S. DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALEM DISTRICT**

**NEPA CATEGORICAL EXCLUSION DECISION RECORD**

**TILLAMOOK RESOURCE AREA  
DOI-BLM-ORWA-S060-2016-0001-CX**

**PROPOSED ACTION**

The proposed Federal action is to implement subsurface exploration along the Nestucca Access Road #3-6-13. Subsurface exploration would occur along the gravel section of the Nestucca Access Road, milepost 12.76 to 15.44 and an old asphalt waste site located adjacent to the Nestucca Access Road, just east of the gravel section, at milepost 12.60, on public land in a location described in the attached Categorical Exclusion Documentation DOI-BLM-ORWA-S060-2016-0001-CX.

**DECISION AND RATIONALE**

I have determined that the proposed action, which qualifies as a categorical exclusion in accordance with 43 CFR 46.210 (f), 516 DM 11.9 F. (9), and 516 DM 11.9 G. (3) involves no significant impact to the human environment and no further environmental analysis is required. It is my decision to implement subsurface exploration along the Nestucca Access Road as described in the attached Categorical Exclusion Documentation DOI-BLM-ORWA-S060-2016-0001-CX.

Authorized Official:

  
\_\_\_\_\_  
Karen Schank  
Tillamook Field Office Manager

Date:

10/7/15

**RIGHT OF APPEAL**

This decision may be appealed to the Interior Board of Land Appeals (Board or IBLA) according to 43 CFR Part 4 – Department of Interior Hearings and Appeals Procedures, found on the internet at:

<http://www.gpo.gov/fdsys/pkg/CFR-2002-title43-vol1/xml/CFR-2002-title43-vol1-part4.xml>

Appeals can be made by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR subpart 4.410). If an appeal is taken, a written notice of appeal must be filed with Karen Schank, Tillamook Field Manager, 4610 Third Street, Tillamook, OR 97141 by close of business (4:30 p.m.) not more than 30 days after the date of service of the decision. Only signed hard copies of a notice of appeal received in the Tillamook Field Office at the address above will be accepted. Appeals faxed, e-mailed, or sent by any other electronic format will not be considered. In order to request a stay of the decision, an appellant must file a petition for stay at the same time as the appeal in accordance with 43 CFR Subpart 4.21(b).

The Tillamook Field Manager plans to implement this project sometime after the 31<sup>st</sup> day beyond the date of the posting of this decision on the BLM’s NEPA Register web page, which can be found on the internet at:

<https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=53106>.